

ESTTA Tracking number: **ESTTA509160**Filing date: **12/05/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

| | |
|---------------------------------------|--|
| Name | Starbuzz Tobacco, Inc. |
| Granted to Date of previous extension | 12/12/2012 |
| Address | 2116 W. Lincoln Ave. Anaheim, CA 92801 UNITED STATES |
| Attorney information | Natu J. Patel The Patel Law Firm, P.C. 2532 Dupont Drive Irvine, CA 92612 UNITED STATES NPatel@thePatelLawFirm.com Phone:949-955-1077 |

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 85581625 | Publication date | 08/14/2012 |
| Opposition Filing Date | 12/05/2012 | Opposition Period Ends | 12/12/2012 |
| Applicant | Tokha Dokha LLC 1034 4th Avenue South Nashville, TN 37210 UNITED STATES | | |

Goods/Services Affected by Opposition


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| Class 034. All goods and services in the class are opposed, namely: Asian long tobacco pipe sheaths; Asian long tobacco pipes (kiseru); Leaf tobacco; Pipe pouches; Pipe tobacco; Roll your own tobacco; Rolling tobacco; Smoking pipe cleaners; Smoking pipes; Smoking tobacco; Tobacco; Tobacco pipe cleaners; Tobacco pipes; Tobacco water pipes; Tobacco, cigars and cigarettes |
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Grounds for Opposition

| | |
|---|---|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| <i>Torres v. Cantine Torresella S.r.l.Fraud</i> | 808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986) |

Marks Cited by Opposer as Basis for Opposition


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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3113110 | Application Date | 02/23/2005 |
| Registration Date | 07/04/2006 | Foreign Priority Date | NONE |

| | |
|---------------------|--|
| Word Mark | STARBUZZ |
| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 034. First use: First Use: 2005/01/01 First Use In Commerce: 2005/04/03 TOBACCO, SMOKING TOBACCO |


| | | | |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3653296 | Application Date | 05/07/2008 |
| Registration Date | 07/14/2009 | Foreign Priority Date | NONE |
| Word Mark | STARBUZZ TOBACCO | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 035. First use: First Use: 2005/01/11 First Use In Commerce: 2005/01/11 Retail and wholesale distributorship of tobacco, pipe tobacco, smoking tobacco, flavored tobacco, molasses tobacco, and charcoal; Retail and wholesale distributorship of hookahs and accessories | | |


| | | | |
|-----------------------|-----------------------------|-----------------------|------------|
| U.S. Registration No. | 3783438 | Application Date | 03/25/2009 |
| Registration Date | 05/04/2010 | Foreign Priority Date | NONE |
| Word Mark | STARBUZZ TOBACCO SINCE 2005 | | |

| | |
|---------------------|---|
| Design Mark |  |
| Description of Mark | The mark consists of the wording "STARBUZZ TOBACCO SINCE 2005" in a circle with the design of stars and a flame. The design in the gray and white inner circle is a black flame and a black star. The outer circle is red and contains the black wording "STARBUZZ" and "TOBACCO". A gray banner is at the bottom of the circles and contains the black wording "SINCE 2005". |
| Goods/Services | Class 035. First use: First Use: 2008/05/02 First Use In Commerce: 2008/05/02 Retail and wholesale distributorship of tobacco, pipe tobacco, smoking tobacco, flavored tobacco, molasses tobacco, and charcoal; Retail and wholesale distributorship of hookahs and accessories |

| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 4032280 | Application Date | 02/12/2010 |
| Registration Date | 09/27/2011 | Foreign Priority Date | NONE |
| Word Mark | STARBUZZ | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 034. First use: First Use: 2010/02/25 First Use In Commerce: 2010/02/25 CIGARS, CIGAR HOLDERS, CIGAR CUTTERS, CIGAR BOXES, CIGAR CASES, CIGAR TUBES, HUMIDORS AND ASHTRAYS | | |

| | | | |
|-----------------------|------------------|-----------------------|------------|
| U.S. Registration No. | 4104682 | Application Date | 05/11/2011 |
| Registration Date | 02/28/2012 | Foreign Priority Date | NONE |
| Word Mark | STARBUZZ TOBACCO | | |

| | |
|---------------------|---|
| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 034. First use: First Use: 2007/04/23 First Use In Commerce: 2007/04/23 Hookah Charcoal |


| | | | |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 4146752 | Application Date | 11/02/2011 |
| Registration Date | 05/22/2012 | Foreign Priority Date | NONE |
| Word Mark | STARBUZZ | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 034. First use: First Use: 2006/06/18 First Use In Commerce: 2006/06/18 Hookahs and Hookah Accessories, Namely, Hoses, Bowls, Trays and Tongs | | |

| | | | |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 4158123 | Application Date | 03/01/2009 |
| Registration Date | 06/12/2012 | Foreign Priority Date | NONE |
| Word Mark | SKYBUZZ | | |

| | |
|---------------------|---|
| Design Mark | SKYBUZZ |
| Description of Mark | NONE |
| Goods/Services | Class 034. First use: First Use: 2010/10/12 First Use In Commerce: 2010/10/12 Pipe Tobacco, Molasses Tobacco, Tobacco, Smoking Tobacco, Flavored Tobacco |

| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3830725 | Application Date | 09/04/2009 |
| Registration Date | 08/10/2010 | Foreign Priority Date | NONE |
| Word Mark | STARBUZZ HOOKAH LOUNGE | | |
| Design Mark | Starbuzz Hookah Lounge | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 041. First use: First Use: 2008/09/21 First Use In Commerce: 2008/09/21 Hookah and smoking lounge services Class 043. First use: First Use: 2008/09/21 First Use In Commerce: 2008/09/21 Cafe and restaurant services | | |

| | | | |
|----------------------|----------|-----------------------|------------|
| U.S. Application No. | 85427655 | Application Date | 09/20/2011 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | BUZZ | | |

| | |
|---------------------|--|
| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 034. First use: Pipe Tobacco; Molasses Tobacco; Tobacco; Smoking Tobacco; Flavored Tobacco; Tobacco Substitute, Namely, Herbal Molasses |

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|-------------|--|
| Attachments | 78573602#TMSN.jpeg (1 page)(bytes) 77468202#TMSN.jpeg (1 page)(bytes) 77699268#TMSN.jpeg (1 page)(bytes) 77935061#TMSN.jpeg (1 page)(bytes) 85318571#TMSN.jpeg (1 page)(bytes) 85462895#TMSN.jpeg (1 page)(bytes) 77680905#TMSN.jpeg (1 page)(bytes) 77820419#TMSN.jpeg (1 page)(bytes) 85427655#TMSN.jpeg (1 page)(bytes) Starbuzz - Notice of Opposition Exp what the BUZZ - 120512.pdf (30 pages)(496134 bytes) |
|-------------|--|

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|---------------|
| Signature | /natupatel/ |
| Name | Natu J. Patel |
| Date | 12/05/2012 |

**IN THE UNITED STATES PATENT AND TRADE MARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/581,625

Mark: Experience what the BUZZ is all about

Filed: March 27, 2012

Published: August 14, 2012

STARBUZZ TOBACCO, INC.,

Opposer,

v.

TOKHA DOKHA LLC, DBA TOKHA
DOKHA LLC,

Applicant.

OPPOSITION NO: _____

NOTICE OF OPPOSITION

Starbuzz Tobacco, Inc. ("Opposer" or "Starbuzz"), a corporation organized and existing under the laws of the State of California, believes that it will be damaged by registration of the mark shown in U.S. Application Serial No. 85/581,625 in International Class 34 (the "Application") and hereby opposes the same.

As grounds for opposition it is alleged that:

Opposer's Background

1. Starbuzz is a manufacturer and distributor of tobacco products. Starbuzz's address is 2116 W. Lincoln Avenue, Anaheim, California 92801.

2. For the past several years, Starbuzz has been using, and has registered on the United States Patent and Trademark Office's ("USPTO") Principal Register the following trademarks, which are collectively referred to as the "Registered Marks":

| Trademark | Reg. No. | Class and Goods/ Services | First Use in Commerce At Least As Early As | Exhibit |
|-----------------------------|-----------|--|--|-----------------|
| STARBUZZ | 3,113,110 | 34 – Tobacco, Smoking Tobacco | April 3, 2005 | <u>A</u> |
| STARBUZZ TOBACCO | 3,653,296 | 35 - Retail and wholesale distributorship of tobacco, pipe tobacco, smoking tobacco, flavored tobacco, molasses tobacco, and charcoal; Retail and wholesale distributorship of hookahs and accessories | January 11, 2005 | <u>B</u> |
| STARBUZZ TOBACCO SINCE 2005 | 3,783,438 | 35 - Retail and wholesale distributorship of tobacco, pipe tobacco, smoking tobacco, flavored tobacco, molasses tobacco, and charcoal; Retail and wholesale distributorship of hookahs and accessories | May 2, 2008 | <u>C</u> |
| STARBUZZ | 4,032,280 | 34 – Cigars, Cigar Holders, Cigar Cutters, Cigar Boxes, Cigar Cases, Cigar Tubes, Humidors and Ashtrays | February 25, 2010 | <u>D</u> |
| STARBUZZ TOBACCO | 4,104,682 | 34 - Hookah Charcoal | April 23, 2007 | <u>E</u> |
| STARBUZZ | 4,146,752 | 34 - Hookahs and Hookah Accessories, Namely, Hoses, Bowls, Trays and Tongs | June 18, 2006 | <u>F</u> |
| SKYBUZZ | 4,158,123 | 34- Pipe Tobacco, Molasses Tobacco, Tobacco, Smoking Tobacco, Flavored Tobacco. | October 12, 2010 | <u>G</u> |
| STARBUZZ HOOKAH LOUNGE | 3,830,725 | 41 – Hookah and smoking lounge services 43 – Café and restaurant services | Sept. 21, 2008 | <u>H</u> |

3. Starbuzz also owns U.S. Application No. 85427655 for the mark “BUZZ” used in connection with “Pipe Tobacco; Molasses Tobacco; Tobacco; Smoking Tobacco;

Flavored Tobacco; Tobacco Substitute, Namely, Herbal Molasses” in International Class

034. Starbuzz filed its application for the “BUZZ” mark on September 20, 2011.

4. Starbuzz’s Registered Marks and “BUZZ” mark are collectively referred to as the Starbuzz Marks.

Applicant’s Background

5. Starbuzz is informed and believes, and on that basis alleges that, applicant Tokha Dokha LLC DBA Tokha Dokha LLC (“Applicant”) is a Tennessee limited liability company, whose address is 1034 4th Avenue, Nashville, Tennessee 37210.

6. Starbuzz is informed and believes, and on that basis alleges that, Applicant has designated itself as the correspondent upon whom the opposition may be served.

7. Starbuzz is informed and believes, and on that basis alleges that, on March 27, 2012, Applicant filed U.S. Application Serial No. 85/581625 for the mark “Experience what the BUZZ is all about” (“Applicant’s Mark”) for “Asian long tobacco pipe sheaths; Asian long tobacco pipes (kiseru); Leaf tobacco; Pipe pouches; Pipe tobacco; Roll your own tobacco; Rolling tobacco; Smoking pipe cleaners; Smoking pipes; Smoking tobacco; Tobacco; Tobacco pipe cleaners; Tobacco pipes; Tobacco water pipes; Tobacco, cigars and cigarettes” in International Class 34 (“Applicant’s Goods”).

8. The Application was filed based upon intent to use Applicant’s Mark in commerce, under Section 1(b) of the Lanham Act.

9. The USPTO published Applicant’s Mark for opposition in the Official Gazette on August 14, 2012.

10. On August 21, 2012, Starbuzz obtained an extension of time to oppose the Application, and has until December 12, 2012 to file the opposition. Therefore, this Notice of Opposition is timely.

GROUND FOR OPPOSITION

Standing and Priority

11. Starbuzz re-alleges and incorporates by this reference paragraphs 1 through 10, inclusive, of this Notice of Opposition as if fully set forth herein.

12. Starbuzz is informed and believes, and on that basis alleges that, the date of first use of Starbuzz's Registered Marks in commerce predates the date of first use of Applicant's Mark in commerce. Therefore, Starbuzz's rights to its marks have priority over any rights claimed by Applicant in Applicant's Mark.

13. Starbuzz is further informed and believes, and on that basis alleges, that the application filing date of Starbuzz's "BUZZ" mark predate the filing date of the Application. Since Starbuzz's "BUZZ" mark and Applicant's Mark were both filed on an intent to use basis, Starbuzz's earlier filing date should have given Applicant notice of Starbuzz's claimed rights to the "BUZZ" mark.

Fraud in Procurement of the Registration

14. Starbuzz re-alleges and incorporates by this reference paragraphs 1 through 13, inclusive, of this Notice of Opposition as if fully set forth herein.

15. On March 27, 2012, Applicant applied for registration of Applicant's Mark on the USPTO Principal Register. The Application was submitted to the USPTO with a representation, under oath, that Applicant believed it was the owner of Applicant's Mark, and to the best of its knowledge, no other person, firm, corporation, or association had the

right to use any trademarks in “identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive.” Applicant made this representation in order to induce the USPTO to issue a registration.

16. Starbuzz has been using the Registered Marks prior to Applicant’s filing date. Starbuzz further obtained registration of several of the Registered Marks prior to Applicant’s filing date. Starbuzz also applied for the “BUZZ” mark prior to Applicant’s filing date.

17. Therefore, Applicant’s representation to the USPTO in the Application was false.

18. Starbuzz is informed and believes, and on that basis alleges that, because Applicant is in a similar business as Starbuzz, Applicant knew that Starbuzz had superior rights to the Starbuzz Marks when Applicant filed its Application.

19. “STARBUZZ” (3,113,110), “STARBUZZ TOBACCO” (3,653,296), “STARBUZZ TOBACCO SINCE 2005” (3,783,438), “STARBUZZ” (4,032,280), “STARBUZZ TOBACCO” (4,104,682), and “STARBUZZ HOOKAH LOUNGE” (3,830,725) marks were registered by Starbuzz before Applicant filed its Application. Therefore, Applicant had constructive notice of Starbuzz’s rights in those trademarks.

20. Starbuzz is informed and believes, and on that basis alleges that, Applicant filed its Application despite its knowledge that Starbuzz had the right to use a trademark in identical form to Applicant’s Mark, or which so closely resembled Applicant’s Mark as to be likely to cause confusion, or to cause mistake, or to deceive.

21. Applicant, therefore, knowingly made material misrepresentations to the USPTO in an attempt to procure registration of Applicant's Mark.

22. By knowingly making material misrepresentations to the USPTO, Applicant intended to deceive the USPTO into believing that there was no other person, firm, corporation, or association with rights to use any trademarks identical to or confusingly similar to Applicant's Mark.

23. The USPTO relied upon those representations in approving the Application for publication on the USPTO Principal Register.

24. The USPTO would not have approved the Application for publication on the USPTO Principal Register but for Applicant's false representations.

25. Applicant's actions in attempting to procure registration of Applicant's Mark constitute fraud, thereby invalidating the Application. Accordingly, the Application should be denied in its entirety.

Likelihood of Confusion Pursuant to 15 U.S.C. §1052(d)

26. Starbuzz re-alleges and incorporates by this reference paragraphs 1 through 25, inclusive, of this Notice of Opposition as if fully set forth herein.

27. The terms "STARBUZZ" and "SKYBUZZ" have no special meaning within the tobacco industry. The Starbuzz Marks are therefore arbitrary or fanciful as applied to tobacco and other related products and should be afforded the highest level of protection.

28. Based on the identical term "BUZZ", Starbuzz is informed and believes, and on that basis alleges that, Applicant's Mark, when used in conjunction with

Applicant's goods, so resembles the Starbuzz Marks, as to be likely to cause confusion, to cause mistake, and to deceive within the meaning of 15 U.S.C. §1052(d).

29. Applicant's Mark is similar to the Starbuzz Marks in appearance, sound and overall commercial impression.

30. Starbuzz is informed and believes, and on that basis alleges that, the type of goods offered in conjunction with Applicant's Mark is similar or related to the type of goods offered in conjunction with the Starbuzz Marks.

31. Starbuzz is informed and believes, and on that basis alleges that, Applicant's goods, and Starbuzz's goods, are marketed to identical or similar groups of consumers.

32. Starbuzz is informed and believes, and on that basis alleges that, Applicant's goods and Starbuzz's goods, are advertised, promoted, and/or sold through the same or similar channels of trade.

33. Starbuzz is informed and believes, and on that basis alleges that, Applicant's goods and Starbuzz's goods, target the same general class of purchasers.

34. Starbuzz is informed and believes, and on that basis alleges that, Applicant knew that Starbuzz was using the Starbuzz Marks in commerce and had obtained registrations for most of these marks. Despite having such intimate knowledge about Starbuzz's trademarks, Applicant filed the Application in an attempt to copy the Starbuzz Marks and misappropriate or derive a benefit from the reputation of Starbuzz's trademarks.

35. Starbuzz has no control over the nature and quality of Applicant's goods that bear Applicant's Mark, and any dissatisfaction with Applicant's goods would reflect

adversely on Starbuzz, thus damaging the goodwill and reputation Starbuzz has established in the Starbuzz Marks.

36. Registration of Applicant's Mark will further damage Starbuzz because the trademark sought to be registered, "Experience what the BUZZ is all about", is so similar to the Starbuzz Marks, that use of Applicant's Mark will cause confusion or mistake, and is likely to deceive purchasers, and the general public, into the erroneous belief that Applicant's goods and Starbuzz's goods originate from the same source, or are authorized or sponsored by Starbuzz.

37. Starbuzz's customers, as well as the general public, are likely to be confused, mistaken, or deceived as to the origin or sponsorship of Applicant's goods and Starbuzz's goods. Based upon such likelihood of confusion, Applicant's Mark should be denied registration under 15 U.S.C. §1052(d).

WHEREFORE, Starbuzz prays that Application Serial No. 85/581,625 be denied registration.

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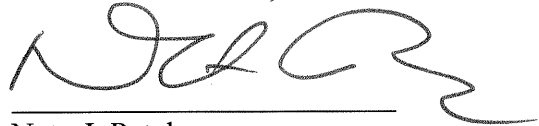
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Starbuzz hereby consents and appoints Natu J. Patel of the law firm, The Patel Law Firm, P.C., 2532 Dupont Drive, Irvine, CA 92612, who is a member of the Bar of the State of California, as its duly authorized agent and attorney to prosecute this Opposition and to transact all business in the Patent and Trademark Office and in the United States Courts, to sign his name to all papers which may hereinafter be filed in connection therewith, and to receive all official communications for this Opposition.

Respectfully submitted,
The Patel Law Firm, P.C.

A handwritten signature in black ink, appearing to read 'Natu J. Patel', written over a horizontal line.

Natu J. Patel
Attorney for Opposer,
Starbuzz Tobacco, Inc.

The Patel Law Firm, P.C.
2532 Dupont Drive
Irvine, CA 92612
Telephone: (949) 955-1077
Facsimile: (949) 955-1877
NPatel@thePatelLawFirm.com


NP/CF/dn

CERTIFICATE OF SERVICE

I certify that a copy of this NOTICE OF OPPOSITION is being served via United States mail, postage prepaid, on this the 5th day of December, 2012, to the Applicant at the following address:

Applicant:

Tokha Dokha LLC
1034 4th Avenue S
Nashville, Tennessee 37210-2643



Dana Nassiri

Exhibit A

Int. Cl.: 34

Prior U.S. Cls.: 2, 8, 9, and 17

Reg. No. 3,113,110

United States Patent and Trademark Office

Registered July 4, 2006

**TRADEMARK
PRINCIPAL REGISTER**

STARBUZZ

STARBUZZ TOBACCO, INC. (CALIFORNIA CORPORATION)
1889 W. COMMONWEALTH ST. #A
FULLERTON, CA 92833

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: TOBACCO, SMOKING TOBACCO, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

SN 78-573,602, FILED 2-23-2005.

FIRST USE 1-1-2005; IN COMMERCE 4-3-2005.

PAULA MAHONEY, EXAMINING ATTORNEY

Exhibit B

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,653,296

Registered July 14, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

STARBUZZ TOBACCO

STARBUZZ TOBACCO, INC. (CALIFORNIA CORPORATION)
UNIT # A
1889 W. COMMONWEALTH STREET
FULLERTON, CA 92833

FOR: RETAIL AND WHOLESALE DISTRIBUTORSHIP OF TOBACCO, PIPE TOBACCO, SMOKING TOBACCO, FLAVORED TOBACCO, MOLASSES TOBACCO, AND CHARCOAL; RETAIL AND WHOLESALE DISTRIBUTORSHIP OF HOOKAHS AND ACCESSORIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-11-2005; IN COMMERCE 1-11-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,113,110.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TOBACCO", APART FROM THE MARK AS SHOWN.

SER. NO. 77-468,202, FILED 5-7-2008.

MICHAEL ENGEL, EXAMINING ATTORNEY

Exhibit C

United States of America

United States Patent and Trademark Office



Reg. No. 3,783,438
Registered May 4, 2010
Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

STARBUZZ TOBACCO, INC. (CALIFORNIA CORPORATION)
2116 W. LINCOLN AVENUE
ANAHEIM, CA 92801

FOR: RETAIL AND WHOLESALE DISTRIBUTORSHIP OF TOBACCO, PIPE TOBACCO, SMOKING TOBACCO, FLAVORED TOBACCO, MOLASSES TOBACCO, AND CHARCOAL; RETAIL AND WHOLESALE DISTRIBUTORSHIP OF HOOKAHS AND ACCESSORIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-2-2008, THE MARK WAS FIRST USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED AT LEAST AS EARLY AS 01/11/2005.; IN COMMERCE 5-2-2008, THE MARK WAS FIRST USED IN COMMERCE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED AT LEAST AS EARLY AS 01/11/2005..

OWNER OF U.S. REG. NO. 3,113,110.

THE COLOR(S) RED, WHITE, GREY AND BLACK IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TOBACCO" AND "SINCE 2005", APART FROM THE MARK AS SHOWN.



THE MARK CONSISTS OF THE WORDING "STARBUZZ TOBACCO SINCE 2005" IN A CIRCLE WITH THE DESIGN OF STARS AND A FLAME. THE DESIGN IN THE GRAY AND WHITE INNER CIRCLE IS A BLACK FLAME AND A BLACK STAR. THE OUTER CIRCLE IS RED AND CONTAINS THE BLACK WORDING "STARBUZZ TOBACCO" AND A BLACK STAR BETWEEN "STARBUZZ" AND "TOBACCO". A GRAY BANNER IS AT THE BOTTOM OF THE CIRCLES AND CONTAINS THE BLACK WORDING "SINCE 2005".

SER. NO. 77-699,268, FILED 3-25-2009.

David J. Kappas

Director of the United States Patent and Trademark Office

KIM SAITO, EXAMINING ATTORNEY

Exhibit D

United States of America
United States Patent and Trademark Office

STARBUZZ

Reg. No. 4,032,280

Registered Sep. 27, 2011

Int. Cl.: 34

TRADEMARK

PRINCIPAL REGISTER

STARBUZZ TOBACCO, INC. (CALIFORNIA CORPORATION)
2116 W. LINCOLN AVENUE
ANAHEIM, CA 92801

FOR: CIGARS, CIGAR HOLDERS, CIGAR CUTTERS, CIGAR BOXES, CIGAR CASES, CIGAR TUBES, HUMIDORS AND ASHTRAYS, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 2-25-2010; IN COMMERCE 2-25-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,113,110 AND 3,653,296.

SN 77-935,061, FILED 2-12-2010.

MICHAEL ENGEL, EXAMINING ATTORNEY



David S. Kappas

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Exhibit E

United States of America

United States Patent and Trademark Office

STARBUZZ TOBACCO

Reg. No. 4,104,682

Registered Feb. 28, 2012

Int. Cl.: 34

TRADEMARK

PRINCIPAL REGISTER

STARBUZZ TOBACCO, INC. (CALIFORNIA CORPORATION)
2116 W. LINCOLN AVENUE
ANAHEIM, CA 92801

FOR: HOOKAH CHARCOAL, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 4-23-2007; IN COMMERCE 4-23-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,113,110, 3,830,725 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TOBACCO", APART FROM THE MARK AS SHOWN.

SER. NO. 85-318,571, FILED 5-11-2011.

GINA HAYES, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Exhibit F

United States of America
United States Patent and Trademark Office

STARBUZZ

Reg. No. 4,146,752

Registered May 22, 2012

Int. Cl.: 34

TRADEMARK

PRINCIPAL REGISTER

STARBUZZ TOBACCO, INC. (CALIFORNIA CORPORATION)
2116 W. LINCOLN AVENUE
ANAHEIM, CA 92801

FOR: HOOKAHS AND HOOKAH ACCESSORIES, NAMELY, HOSES, BOWLS, TRAYS AND
TONGS, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 6-18-2006; IN COMMERCE 6-18-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,113,110, 4,032,280 AND OTHERS.

SER. NO. 85-462,895, FILED 11-2-2011.

ANNE E. GUSTASON, EXAMINING ATTORNEY



David S. Kybas

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Exhibit G

United States of America
United States Patent and Trademark Office

SKYBUZZ

Reg. No. 4,158,123

Registered June 12, 2012

Int. Cl.: 34

TRADEMARK

PRINCIPAL REGISTER

STARBUZZ TOBACCO, INC. (CALIFORNIA CORPORATION)
2116 W. LINCOLN AVENUE
ANAHEIM, CA 92801

FOR: PIPE TOBACCO, MOLASSES TOBACCO, TOBACCO, SMOKING TOBACCO,
FLAVORED TOBACCO, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 10-12-2010; IN COMMERCE 10-12-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-680,905, FILED 3-1-2009.

CIMMERIAN COLEMAN, EXAMINING ATTORNEY



David S. Kyfas

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Exhibit H

United States of America

United States Patent and Trademark Office

Starbuzz Hookah Lounge

Reg. No. 3,830,725

Registered Aug. 10, 2010

Int. Cls.: 41 and 43

SERVICE MARK

PRINCIPAL REGISTER

STARBUZZ TOBACCO, INC. (CALIFORNIA CORPORATION), DBA STARBUZZ TOBACCO
2116 W. LINCOLN AVENUE
ANAHEIM, CA 92801

FOR: HOOKAH AND SMOKING LOUNGE SERVICES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-21-2008; IN COMMERCE 9-21-2008.

FOR: CAFE AND RESTAURANT SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 9-21-2008; IN COMMERCE 9-21-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,113,110 AND 3,653,296.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOOKAH LOUNGE", APART FROM THE MARK AS SHOWN.

SER. NO. 77-820,419, FILED 9-4-2009.

KAELIE KUNG, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office